

242.11
05/23/2001
Rev. 02

FACSIMILE COVER SHEET

Idaho National Engineering and Environmental Laboratory



FACSIMILE SHEET

DATE: April 23, 2001

TO: Kristina Banovac

Organization/Location: NRC

Phone Number: (301) 415-5114

FAX Number: (301) 415-5398

FROM: Vic Jacobson

Organization/Location: HLW Program Support Office/WCB

Phone Number: 526-3763

FAX Number: 526-4560

COMMENTS: Kris, Attached are the cover letter of the Consent Order and the 3 modifications. These will contain the information you need for your reference. Please call if you need additional info. Thanks, Vic.

This transmittal consists of [] pages EXCLUDING cover sheet.

NOTICE OF CONFIDENTIALITY

This facsimile may contain PRIVILEGED or COMPANY PRIVATE information that is intended solely for the use of the specific individual or entity named above as the addressee and may not otherwise be disclosed, copied, distributed or disseminated. If you are not the intended recipient or have received this transmission in error please destroy your copy and notify the sender immediately by telephone.

Also, The INEEL site area is 890 square miles (to confirm the information in the SBW-WIR)

PLEASE REMOVE ANY STAPLES



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

April 20, 1999

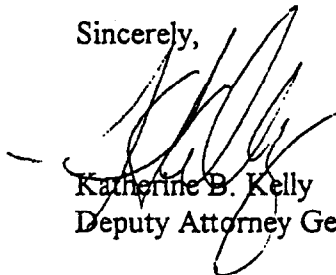
Brett Bowhan
Idaho Operations Office
U.S. Department of Energy
850 Energy Drive
Idaho Falls, Idaho 83401-1563

Re: Third Modification to Consent Order

Dear Mr. Bowhan:

Enclosed for your files please find a signed original of the Third Modification to Consent Order. The other two original documents have been retained in the files of DEQ and EPA.

Sincerely,


Katherine B. Kelly
Deputy Attorney General

KBK/sc

Enclosure

copies to
Donna -
Patricia -
Renee -
Tom Wickmann -
Jess Saxe -
Jim V. Lentine -
Grant Palmer 3211
Mike Heine -
Carol Koshuta -
Denise G. Lave -
the Trans in my hand
file original in
H. L. K. 1.1.1
(non-negotiation)
final consent
(encl.)

RECEIVED

APR 26 1999

OFFICE OF THE CHIEF COUNSEL

IDAHO DEPARTMENT OF HEALTH AND WELFARE

IN THE MATTER OF	)	THIRD
	)	MODIFICATION TO
United States Department of Energy	)	CONSENT ORDER
<u>Idaho National Engineering Laboratory</u>	)	Idaho Code § 39-4413

- I. Pursuant to the Hazardous Waste Management Act of 1983, Idaho Code §§ 39-4401, et seq., the U.S. Department of Energy (DOE) and the Idaho Department of Health and Welfare (Department) (together the "Parties") entered into a Consent Order effective April 3, 1992. The purpose of the Consent Order was to resolve alleged violations contained in a Notice of Noncompliance (Docket No. 1090-1-24-6601) issued by the United States Environmental Protection Agency (EPA) to DOE on January 29, 1990. As provided in Section X of the Consent Order, the Parties entered into a Modification to Consent Order, effective March 17, 1994, (hereinafter "first" Modification to Consent Order) adding Section 6.20.F to the Consent Order. The Parties subsequently entered into a Second Modification to Consent Order effective August 18, 1998. The Second Modification to Consent Order superseded the first Modification to Consent Order. The United States Environmental Protection Agency, Region 10 (EPA) reviewed and, by its signature, approved the Consent Order, the first Modification to Consent Order, and the Second Modification to Consent Order. This Third Modification to Consent Order modifies and is incorporated into the April 3, 1992 Consent Order as modified by the Second Modification to the Consent Order. Unless specifically provided herein, all terms and conditions of the Consent Order and the Second Modification to Consent Order remain in full force and effect and shall be binding upon the Parties.
- II. The language of Section 6.20.E.1 of the Consent Order as it appears in Section VI of the Second Modification to Consent Order is modified so that the date of "April 30, 1999" is replaced with the date of "June 1, 2000" in the two places it appears.
- III. The language of Section 6.20.E.2 of the Consent Order as it appears in Section VI of the Second Modification to Consent Order is deleted and replaced by the following:
 - "2. Notwithstanding Section 6.20.E.1, before June 1, 2000, the Department may require that DOE immediately cease operation of the Calciner and place the Calciner in a standby mode if the Department determines that DOE has failed to comply with any of the following conditions:
 - a. Continued operation of the Calciner shall not present a hazard to the public health, the public safety, or the environment;
 - b. So long as the Calciner continues operation, DOE shall implement a project to sample offgas emissions from the Calciner. A key purpose of the off-gas sampling project shall be to support DOE's decision whether DOE will attempt to meet the performance standards in IDAPA 16.01.05.008 [40 CFR 264 Subpart O] and the pending Maximum Achievable Control Technology standards. Commencing June 7, 1999, and on the 7th of each month thereafter, until the month succeeding placement of the Calciner in standby mode, DOE shall provide to the Department a report summarizing data

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APR 20 1999
OFFICE OF THE CHIEF COUNSEL



IDAHO DEPARTMENT
OF HEALTH AND WELFARE
DIVISION OF
ENVIRONMENTAL QUALITY

1410 North Hillon, Boise, ID 83706-1255. (208) 373-0602

VLT
DBL
~~200~~
JTH
KDR
200 (last)
Philip E. Batt, Governor

August 18, 1998

John M. Wilczynski MS-1103
DOE - Idaho Operations Office
850 Energy Drive
Idaho Falls, ID 83401-1563

Charles C. Clarke
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101

Dear Mr. Wilczynski and Mr. Clarke:

Enclosed are your effected copies of the Second Modification to Consent Order to the Notice of Noncompliance issued January 29, 1990.

Sincerely,

W. Sandoval
Assistant Administrator
Wallace N. Cory, P.E.
Administrator

WNC/rla INEEL98NONCOMSIGNEDCOLTR

Enclosure

cc: Brett Bowhan, DOE-Legal
Catherine Massimino, EPA Region 10
Kathleen Trever, INEEL Oversight
Kate Kelly, AGs
Dave Pisarski, DEQ-CAB
Brian Monson, DEQ-HWPB
INipnw
INipc
COF

6/30/00 - out of WA-172 → 173 1st

- 175 as Title - require
task interest agreement

12/31/00 - submit closure plan for the site
one Task (III)

4/30/00 - shut down site via

4/1/00 - decide on permanent closure
via 7. final via

12/31/99 - submit SLRA (via)

Every 1/1 & 7/31 - submit - F

IDAHO DEPARTMENT OF HEALTH AND WELFARE

	)	SECOND
IN THE MATTER OF	)	MODIFICATION TO
	)	CONSENT ORDER
United States Department of Energy)	
Idaho National Engineering and Environmental Laboratory	)	Idaho Code § 39-4413
<hr/>		

I. Pursuant to the Hazardous Waste Management Act of 1983, Idaho Code §§ 39-4401, et seq., the U.S. Department of Energy (DOE) and the Idaho Department of Health and Welfare (Department) (together the "Parties") entered into a Consent Order effective April 3, 1992. The purpose of the Consent Order was to resolve alleged violations contained in a Notice of Noncompliance (Docket No. 1090-1-24-6601) issued by the United States Environmental Protection Agency (EPA) to DOE on January 29, 1990. As provided in Section X of the Consent Order, the Parties entered into a Modification to Consent Order, effective March 17, 1994, (hereinafter First Modification to Consent Order) adding Section 6.20.F to the Consent Order. That First Modification to Consent Order was based on requirements in the court's amended order in United States of America v. Andrus, Civil No. 91-0035-S-HLR (lead case) (D.Id.), dated December 22, 1993. The United States Environmental Protection Agency, Region 10 (EPA) reviewed and, by its signature, approved the Consent Order and the Modification to Consent Order. This Second Modification to Consent Order modifies and is incorporated into the April 3, 1992, Consent Order and supersedes the First Modification to Consent Order. Unless specifically provided herein, all terms and conditions of the Consent Order remain in full force and effect and shall be binding upon the Parties.

II. Pursuant to Section X of the Consent Order, the Parties agree to this Second Modification to Consent Order. This Second Modification supersedes the First Modification. This modification revises the requirements of the 1992 Consent Order (as amended) making the Consent Order schedule consistent with the schedule set forth in Section E.5. of the Court Order in United States of America v. Batt, Civil No. 91-0054-S-EJL (D.Id.) dated October 17, 1995. This Second Modification is also necessary because DOE has not submitted a technically adequate permit application for the Calciner that meets the requirements of IDAPA 16.01.05.008 [40 CFR § 264]. DOE changed the name of the Idaho Chemical Processing Plant (ICPP) to the Idaho Nuclear Technology and Engineering Center (INTEC) after the effective date of the Consent Order. The Consent Order is amended by substituting the Idaho Nuclear Technology and Engineering Center (or its acronym INTEC)

1st modified
to Consent Order

RECEIVED

MAR 24 1994

ENVIRONMENTAL
SUPPORT BRANCH



Brent Palmer

copies to Dan Babin —
Bob Jones —
Mike Haski —
Will Smith —
Simon —

LARRY ECHOHAWK
ATTORNEY GENERAL

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

KEVIN J. BEATON
LORE BENDEL
DOUGLAS M. CONDE
KATHERINE B. CRAWFORD
CURT A. FRANSEN
NORA A. FUENTES
TERESA A. HAMPTON
LISA J. KRONBERG
DEPUTY ATTORNEYS GENERAL

NATURAL RESOURCES DIVISION
ENVIRONMENTAL QUALITY UNIT
1410 N. HILTON, 2ND FLOOR
BOISE, IDAHO 83706
TELEPHONE: (208) 334-0292
FACSIMILE: (208) 334-0576

March 22, 1994

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MAR 23 1994

OFFICE OF THE CHIEF COUNSEL

Brett R. Bowhan
Assistant Chief Counsel
U.S. Department of Energy
Idaho Operations Office MS-1209
785 DOE Place
Idaho Falls, Idaho 83402

Re: Modification to Consent Order

Dear Brett:

Enclosed is a fully executed copy of the Modification to Consent Order for your records. Thank you for your cooperation in this matter.

Sincerely,

Teresa A. Hampton
Deputy Attorney General
INEL Oversight Program

TAH/lvh

cc: Brian Monson

Enclosure

IDAHO DEPARTMENT OF HEALTH AND WELFARE

IN THE MATTER OF	)	MODIFICATION TO
	)	CONSENT ORDER
United States Department of Energy,)	
Idaho National Engineering Laboratory	)	Idaho Code § 39-4413
<hr/>		

I. Pursuant to § X, Amendment, Modification and Termination, of the Consent Order between the Department of Energy (DOE) and Idaho Department of Health and Welfare (Department) effective April 3, 1992, the parties agree to the following modification: The modification is based upon the district court's amended order in United States of America v. Andrus dated December 22, 1993 (Amended Court Order). The requirements and schedule of sections 6.20.A through 6.20.E of this Consent Order shall remain in full force and effect. The Department and DOE agree to modify this section 6.20.F in the event the Amended Court Order is modified.

II. Section 6.20. Violation No. 20 is modified to read:

6.20 Violation No. 20

F. Pursuant to the Stipulation and Agreement by the parties and the Amended Court Order:

1. DOE shall accelerate activities related to the treatment and disposal of high-level radioactive wastes stored at INEL by taking the following actions:
 - a. Calcine all high-level liquid radioactive waste that does not contain sodium on or before January 1, 1998.
 - b. Calcine or otherwise process as much sodium-bearing high-level liquid radioactive waste (sodium-bearing waste) as DOE and the Department mutually agree is practicable by January 1, 1998.
 - c. DOE will evaluate and test Freeze Crystallization, Radionuclide Partitioning, and Precipitation, the sodium bearing treatment technologies identified by DOE in a November 15, 1993 letter.



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

Consent Order

APR 10 1992

ENVIRONMENTAL
SUPPORT BRANCH

1410 North Hilton, Statehouse Mail, Boise, ID 83720-9000, (208) 334-0502

Cecil D. Andrus, Governor Richard P. Donovan, Director

April 7, 1992

CERTIFIED MAIL # P 754 865 581
RETURN RECEIPT REQUESTED

Department of Energy
ATTENTION Rob Rothman, Chief
Idaho Field Office
Environmental Support Branch
785 DOE Place
Idaho Falls, Idaho 83401-1562

Re: Copy of Signed INEL Consent Order

Dear Mr. Rothman:

Enclosed is a signed copy of the Consent Order addressing alleged violations at the facility. We appreciate your cooperation in this matter.

If you have any questions, please contact me at (208) 334-5898.

Sincerely,

Brian Monson, Acting Chief
Operating Permit Bureau
Permits & Enforcement

BM/ls/bmrdoe.ltr

Enclosure

cc: Betty Weiss, Chief RCRA Compliance - EPA/Region 10
John McCreedy, Deputy Attorney General
Jeff Rodin - EPA/Region 10 Mail Stop HW - 124

URGENT

*This is the signed Consent order
from the state. Please read,
as a minimum, violation No. 20.
This will affect our planning
and operations for years to
come.*

Consent

IDAHO DEPARTMENT OF HEALTH AND WELFARE

IN THE MATTER OF	)	CONSENT ORDER
)	
United States Department of Energy,)	Idaho Code § 39-4413
Idaho National Engineering Laboratory)	
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I. PARTIES

- 1.1 The Idaho Department of Health and Welfare (Department) and the United States Department of Energy (DOE), the Parties, enter into this Consent Order regarding DOE's Idaho National Engineering Laboratory (INEL) located near Idaho Falls, Idaho.

II. JURISDICTION

- 2.1 DOE and the Department enter into this Consent Order pursuant to the Idaho Hazardous Waste Management Act of 1983 (HWMA), as amended, Idaho Code §§ 39-4401 to 4432. The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 et seq., requires each department, agency and instrumentality of the federal government engaged in the disposal or management of hazardous waste to comply with all federal and state requirements respecting the control and abatement of hazardous waste. 42 U.S.C. § 6961; Executive Order 12088. DOE, a department of the executive branch of the federal government, owns and operates the INEL, a nuclear research and development facility located near Idaho Falls, Idaho.
- 2.2 The Department administers a hazardous waste management program pursuant to the HWMA and the Rules, Regulations and Standards for Hazardous Waste, IDAPA §§ 16.01.5000 to 5999. The State of Idaho is authorized, pursuant to RCRA, to administer this hazardous waste management program. 55 Fed. Reg. 11015 (March 26, 1990). DOE generates, transports, and manages hazardous waste at the INEL and is therefore subject to and must comply with all federal and state requirements respecting hazardous waste, including the HWMA and the Rules, Regulations and Standards for Hazardous Waste, IDAPA §§ 16.01.5000 to 5999.
- 2.3 DOE agrees not to contest the jurisdictional elements of this Consent Order or seek administrative or judicial review of this Consent Order.